

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested. The applicant has amended claims 100 and 104 as suggested by the Examiner to place the claims into better form. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claim 104 stands rejected under 35 U.S.C. § 112, first paragraph. In order to expedite prosecution, the applicant has amended this claim. Again, although the applicant disagrees with this rejection, especially in view of the fact that the term “herbicide” appears in Herold, US 6,803,345 (“Herold”). Claim 1 of Herold states,

“1. A microemulsion-forming-concentrate comprising herbicide compound in acid form and surfactant, wherein the concentrate can be combined with water to form a microemulsion.” (emphasis added)

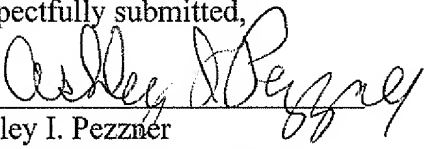
The applicant appreciates that the Examiner has acknowledged that an interference be declared with Herold once all the applicant’s claims are allowable.

However, in order to expedite prosecution, the applicant has amended independent claim 104 to overcome the 35 USC 112 first paragraph, rejection.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 00306-00355-US from which the undersigned is authorized to draw.

Respectfully submitted,

By


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